

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN**

TRINITY HEALTH-MICHIGAN, IHA
HEALTH SERVICES CORPORATION d/b/a
TRINITY HEALTH IHA MEDICAL GROUP,
TIMOTHY HENNE, M.D., TIMOTHY
LENTERS, M.D., JOHN (JACK) HEALEY,
M.D., and GEOFFREY SANDMAN, M.D.,

Plaintiffs,

v.

ORTHOPAEDIC ASSOCIATES OF GRAND
RAPIDS, P.C. d/b/a ORTHOPAEDIC
ASSOCIATES OF MICHIGAN,

Defendant.

Case No. 23-cv-00118

Honorable Hala Y. Jarbou
Hon. Phillip J. Green

**CORRECTED DECLARATION OF JAMES H. MUTCHNIK IN SUPPORT OF
DEFENDANT'S MOTION TO DISMISS**

I, James H. Mutchnik, pursuant to 28 U.S.C. § 1746 hereby declare as follows:

1. I am an attorney in the Chicago Office of Kirkland & Ellis LLP and counsel for the Defendant, Orthopaedic Associates of Grand Rapids, P.C. d/b/a Orthopaedic Associates of Michigan ("OAM") in the above-captioned case.
2. I am licensed to practice law and admitted before the United States District Court for the Western District of Michigan. I make this declaration based on my own personal knowledge. If called upon to testify, I could and would testify competently to the truth of the matters stated herein.
3. I submit this declaration in support of OAM's Motion to Dismiss.
4. Attached hereto as Exhibit 1 is a true and correct copy of a webpage for Trinity Health Medical Group Orthopaedics - Grand Rapids Hospital. The web address is: <https://www.trinityhealthmichigan.org/location/trinity-health-medical-group-orthopaedics-grand-rapids-hospital>. The page was last accessed on March 23, 2023.
5. Attached hereto as Exhibit 2 is a true and correct copy of a photo taken of a sign hanging on the door of Saint Mary's Hospital in Grand Rapids, MI. The photo was taken on or about March 21, 2023.

I declare under penalty of perjury that the foregoing is true and correct. Executed on March 24, 2023.

Respectfully submitted,

/s/ James H. Mutchnik

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*Attorneys for Defendant Orthopaedic
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Orthopaedic Associates of Michigan*

CERTIFICATE OF SERVICE

I hereby certify that on March 24, 2023, a true and correct copy of the foregoing document, **DECLARATION OF JAMES H. MUTCHNIK IN SUPPORT OF DEFENDANT'S MOTION TO DISMISS**, was electronically filed and served upon counsel of record via the Court's CM/ECF System.

/s/ James H. Mutchnik

James H. Mutchnik